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10/643,611

08/18/2003

Brian C. Powell

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02/01/2005

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EXAMINER

WILKENS, JANET MARIE

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 02/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/643,611

Applicant(s)

POWELL, BRIAN C.

Examiner

Janet M. Wilkens

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/17/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For claim 1, the scope of the invention is unclear. Namely, the preamble of claim 1 is directed to the subcombination, i.e. only to the enclosure ("enclosure for a worktable..."), while the body of the claim is directed to the combination, i.e. the enclosure and the worktable (example, "intel releasably attached to...the worktable"). Also for claim 1, "the front and back vertical curved positions" lacks antecedent basis. Note: front and back portions claimed previously. For claim 6, "the stop" lacks antecedent basis. Note: stop portion feature claimed previously.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by McBride. McBride teaches an enclosure (Fig. 1) comprising: a pair of opposed side panels (10,11) each including front and back vertical curved portions for placement around opposed pairs of front and back support posts (45); a lintel (15; top) releasably

attached to a front underside of a worktable (22,24) and the front vertical curved portions of the opposed side panels (via attachment of members 45 with curved portions of 15 (post covers thereof) and 10/11 and with nuts 66 and openings in members 24,11/10) and a pair of front doors (20) secured in place below the lintel and above an undershelf (19) constructed and arranged to provide access to a space between the worktable and undershelf. The side panels also include lower horizontal flanges (62) secured to the undershelf and upper horizontal flanges (62) abutting the worktop top (at 24). Furthermore, dual parallel tracks (51,52) are associated with the undershelf and worktop/lintel.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over McBride in view of Puehlhorn. As stated above, McBride teaches the limitations of claim 1, including doors on the enclosure. For claim 5, McBride fails to teach that the doors are hingedly secured to the front vertical curved portions of the side panels. Puehlhorn teaches hingedly mounted doors (18). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the enclosure of McBride by using an alternate type of door therein, i.e. using the doors of Puehlhorn therein (attaching them

to the side panels via the surround portion) instead of the sliding doors presently used, since these doors are functionally equivalent and it would appear that either type of door would work equally well on the enclosure of McBride. The doors of Puehlhorn allowing greater access inside the enclosure McBride, since both doors can be opened providing a large access opening.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over McBride in view of Nichoalds. As stated above, McBride teaches the limitations of claim 1, including doors on the enclosure. For claim 5, McBride fails to teach that the doors are hingedly secured to the front vertical curved portions of the side panels. Nichoalds teaches a hingedly mounted recessed door (34). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the enclosure of McBride by using an alternate type of door therein, i.e. using two of the doors of Nichoalds therein (attaching them to the side panels via the surround portion; also see note) instead of the sliding doors presently used, since these doors are functionally equivalent and it would appear that either type of door would work equally well on the enclosure of McBride. The doors of Nichoalds allowing greater access inside the enclosure McBride, since both doors can be opened providing a large access opening. Note: it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over McBride in view of Nichoalds as applied to claim 5 above, and further in view of Prentice et al. As stated above, McBride in view of Nichoalds teaches the limitations of claim 5, including

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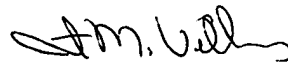
hinged doors on the enclosure. For claim 6, McBride in view of Nichoalds fails to teach that the doors include magnets between them and recessed door stop portions of the enclosure. Prentice teaches a hingedly mounted door (14) employing magnets (30,32) between it and its enclosure. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the enclosure of McBride in view of Nichoalds by adding magnets between the doors and recessed portions of the enclosure, to provide a means which would help keep the doors in their closed positions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (703) 308-2204. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (703) 308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wilkens  
January 28, 2005

  
JANET M. WILKENS  
PRIMARY EXAMINER  
Art Unit 3637